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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,909	05/19/2000	Michael J. Beaudoin	004156.P001	1410

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/574,909

Applicant(s)

BEAUDOIN ET AL.

Examiner

Matthew s Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-15, 17, 18, 22, 27, 28, 30-32, 37-46, 50, 55 and 62-70 is/are pending in the application.
- 4a) Of the above claim(s) 12, 16, 19-21, 23-26, 29, 33-36, 47-49, 51-54 and 56-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15, 17, 18, 22, 27, 28, 30-32, 37-46, 50, 55 and 62-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Art Unit: 3625

DETAILED ACTION

Claims 12, 16, 19-21, 23-26, 29, 33-36, 47-49, 51-54 and 56-61 were canceled via Paper No. 6. New claims 62-70 were added via Paper No. 6. Claims 1-11, 13-15, 17-18, 22, 27-28, 30-32, 37-46, 50, 55 and 62-70 are pending in the instant application.

Election/Restrictions

Applicant's election with traverse of the restriction set forth in Paper No. 5 is acknowledged. This traversal is persuasive and all pending claims were examined on their merits.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11, 13-15, 17-18, 22, 27-28, 30-32, 37-46, 50, 55 and 62-70 are rejected under 35 U.S.C. 101.

Referring to claims 1-11, 13-15, 17-18, 22, 27-28, 30-32, 37-46, 50, 55 and 62-70. The claimed invention is directed to non-statutory subject matter. Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature that constitute "descriptive material." Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58 are not patentable.

Art Unit: 3625

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

In the instant invention, a mental process augmented by pencil and paper markings anticipates the claims. The instant claims are not limited to using a machine to carry out the process since the claims do not explicitly set forth the machine.

In *Bowman*, the board affirmed a rejection under U.S.C. 101 as being directed to non-statutory subject matter. The Board held that the disclosed and claimed invention was nothing more than an abstract idea, which was not tied to any technological art and was not a useful art as contemplated by the constitution. *Ex parte Bowman*, 61 USPQ2d 1665, 1671. Even though *Bowman* is not presidential, it can be cited for its analysis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-11, 13-15, 17-18, 22, 27-28, 30-32, 37-46, 50, 55 and 62-70 are rejected under 35 U.S.C. 102(a) as being anticipated by Improvenet.com.

Art Unit: 3625

Sufficient evidence of known use of the instant invention was demonstrated via the following periodicals:

"Improvenet matches homeowners, contractor," Bill Rumbler, Chicago Sun – Times, May 2, 1999, page 3. (PTO-892, Ref U)

"Way to find contractor just improved greatly," Joseph Szadkowski, Washington Times, Washington, March 11, 1999, page E3. (PTO-892, Ref V)

"Homeowners find contractors on the Internet," Beth Belton, USA Today, Arlington, April 13, 1999, page 02B. (PTO-892, Ref W)

www://web.archive.org/web//www.Improvenet.com [Internet archiving program], retrieved on November 3, 2002 <Internet>, Dec. 21 1996 – November 26, 2002. (PTO-892, Ref X)*

Referring to claim 1. Improvenet.com discloses a method comprising:

- Establishing a database of pre-screened home service providers (Ref U: paragraph 5, paragraph 6, and paragraph 7);
- Extracting a description of a consumer's service needs using a question and answer interview appropriate for the consumer's desired home service task (Ref U: paragraph 8);
- Packaging and presenting the consumer's service needs to one or more home service providers in the database of pre-screened home service providers that

Art Unit: 3625

exhibit a set of predetermined qualifications (Ref V: paragraph 5, paragraph 6, paragraph 7, and paragraph 8); and

- Presenting one or more affirmative home service provider responses to the consumer (Ref V: paragraph 5, paragraph 6, paragraph 7, and paragraph 8)

Referring to claim 2. Improvenet.com further comprises receiving confirmation of completed service transactions by initiating automatic follow-up communication with one or more of the consumer and the home service providers (Ref U: paragraph 11).

Referring to claim 3. Improvenet.com further comprises making inferences regarding desirability of a particular home service task to home service providers based upon past service requests to which the home service providers have responded or not responded (Ref U: paragraph 11); and prioritizing referral of home service providers based upon recent service opportunities provided to or accepted by the home service providers (Ref X: Page 2).

Referring to claim 4. Improvenet.com further disclose a method wherein the home service providers are pre-screened based on information they provide, including one or more of service type, geographic region of operation, service response and fulfillment time, preferred communication mechanism and types of transaction services for which they would like to be considered (Ref U: paragraph 11).

Referring to claim 5. Improvenet.com further comprises:

- Compiling ratings and reviews regarding the home service providers that have completed one or more service transactions on behalf of one or more matched

Art Unit: 3625

consumers and have been rated and reviewed by the one or more matched consumers (Ref X: Page 2 and Ref U: paragraph 11);

- Assigning a rating score to the home service providers based on the ratings and reviews (Ref X: Page 2 and Ref U: paragraph 11);
- Assigning a quality seal to the home service providers base don the ratings and reviews (Ref X: Page 2 and Ref U: paragraph 11); and
- Presenting the quality seal associated with a particular home service provider when information regarding the particular home service provider is requested by a consumer (Ref X: Page 2 and Ref U: paragraph 11).

Referring to claim 6. Improvenet.com further discloses a method wherein the question and answers interview allows the consumer to narrow alternatives that describe the consumer's service needs while selections by the consumer lead them to a new set of alternative choices (Ref U: paragraph 8).

Referring to claim 7. Improvenet.com further discloses a method wherein the consumer's service needs may be presented to the one or more home service providers, by way of a set of heterogeneous communication devices depending upon preferences supplied by the one or more home service providers (Ref X: Page 2).

Referring to claim 8. Improvenet.com further discloses a method wherein the set of heterogeneous communication devices includes one or more of facsimile pager, mobile phone, home phone, office phone, wireless internet device, interactive voice response unit, cell text messaging and email (Ref X: Full Text).

Referring to claim 9. Improvenet.com further discloses a method wherein the one or more home service providers may choose to submit a quote for the consumer's service needs, indicating a desire to be presented to the consumer, or reject the home service task (Ref U: paragraph 8, paragraph 9, and paragraph 10).

Referring to claim 10. Improvenet.com further discloses a method wherein the consumer after receiving responses from the one or more home service providers may then select from the one or more service providers based at least in part upon ratings associated with the one or more home services providers (Ref U: paragraph 8, paragraph 9, and paragraph 10).

Referring to claim 11. Improvenet.com further discloses a method wherein the ratings are collected from consumers that have hired the one or more home service providers for one or more particular home service tasks and are stored in the database of pre-screened home service providers (Ref X: Page 2 and Ref U: paragraph 11).

Referring to claim 12. Claim 12 was canceled via Paper No. 6.

Referring to claim 13. Improvenet.com further comprises:

- Capturing basic information regarding the home service providers (Ref U: paragraph 8); and
- Collecting preference information from the home service providers to facilitate matching among consumers and the home service providers (Ref U: paragraph 8).

Referring to claim 14. Improvenet.com further discloses a method wherein the basic information includes one or more of business name, address, number of years in

Art Unit: 3625

operation, number of employees, one or more service interests, and credit information (Ref U: paragraph 4, paragraph 5, and paragraph 6).

Referring to claim 15. Improvenet.com further discloses a method wherein the preference information includes one or more of one or more service types, geographic region of operation, service expenditure size range, service response and fulfillment time, and one or more preferred communication mechanisms (Ref X: page 1 and page 2).

Referring to claim 16. Claim 16 was canceled via Paper No. 6.

Referring to claim 17. Improvenet.com further discloses a method wherein the preference information further includes the type of consumer service requests that the home service providers are interested in receiving (Ref X: page 1 and page 2).

Referring to claim 18. Improvenet.com further discloses a method wherein the preferred communication mechanism comprises one or more of facsimile pager, mobile phone, home phone, office phone, wireless internet device, interactive voice response unit, cell text messaging and email (Ref X: Full Text).

Referring to claims 19-21. Claims 19-21 were canceled via Paper No. 6.

Referring to claim 22. Improvenet.com discloses a method wherein a prescreening process for the home service providers includes one or more of:

- Reviewing objective criteria and capturing relevant information in a home service provider profile (Ref U: paragraph 8, paragraph 9, and paragraph 10);
- Checking licensing status (Ref U: paragraph 8, paragraph 9, and paragraph 10);

Art Unit: 3625

- Checking insurance coverage status (Ref U: paragraph 8, paragraph 9, and paragraph 10);
- Checking business credit status (Ref U: paragraph 8, paragraph 9, and paragraph 10);
- Submitting a request for legal and bankruptcy review to an Attorney General's Office or third-party information service bureau based on information in the home service provider profile (Ref U: paragraph 8, paragraph 9, and paragraph 10);
- Submitting a request to an agency or group, that captures negative consumer feedback based on information in the home service provider profile; and
- Checking references of the home service providers (Ref U: paragraph 8, paragraph 9, and paragraph 10).

Referring to claims 23-26. Claims 23-26 were canceled via Paper No. 6.

Referring to claim 27. Improvenet.com further discloses a method comprising receiving feed back and rating and review information regarding the home service provider from the consumer (Ref U: paragraph 11).

Referring to claim 28. Improvenet.com further comprises receiving feedback and rating and review information regarding the home service provider from the consumer (Ref U: paragraph 11).

Referring to claim 29. Claim 29 was canceled via Paper No. 6.

Referring to claims 30-32. Claims 30-32 contain limitations, which are precisely the disclosed and the intended use as claims stated previously, and are therefore rejected under the same rationale as set forth above.

Art Unit: 3625

Referring to claims 33-36. Claims 33-36 were canceled via Paper No. 6.

Referring to claims 37-45. Claims 37-45 contain limitations, which are precisely the disclosed and the intended use as claims stated previously, and are therefore rejected under the same rationale as set forth above.

Referring to claim 46. Claim 46 contain limitations, which are precisely the disclosed and the intended use as claims stated previously, and are therefore rejected under the same rationale as set forth above.

Referring to claims 47-49. Claims 47-49 were canceled via Paper No. 6.

Referring to claim 50. Claim 50 contain limitations, which are precisely the disclosed and the intended use as claims stated previously, and are therefore rejected under the same rationale as set forth above.

Referring to claims 51-54. Claims 51-54 were canceled via Paper No. 6.

Referring to claim 55. Claim 55 contain limitations, which are precisely the disclosed and the intended use as claims stated previously, and are therefore rejected under the same rationale as set forth above.

Referring to claims 56-61. Claims 56-61 were canceled via Paper No. 6.

Referring to claims 62-70. Claims 62-70 contain limitations, which are precisely the disclosed and the intended use as claims stated previously, and are therefore rejected under the same rationale as set forth above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3625

Meltzer, U.S. Patent No. 6,366,925 B1, April 2, 2002, discloses a network based legal services system.

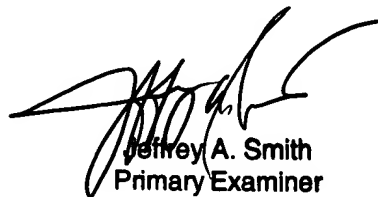
Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

November 6, 2003



Jeffrey A. Smith
Primary Examiner